

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

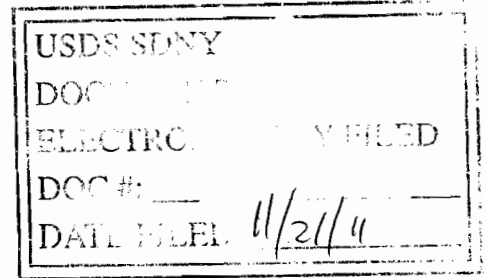
ROBERT M. JENNINGS,

Plaintiff,

-v-

MICHAEL J. ASTRUE, Commissioner of Social
Security,

Defendant.



No. 11 Civ. 0887 (RJS) (AJP)

ORDER ADOPTING REPORT AND
RECOMMENDATION

RICHARD J. SULLIVAN, District Judge:


On February 9, 2011, Plaintiff Robert M. Jennings, who is represented by counsel, filed a complaint appealing the decision of the Commissioner of Social Security Administration (the "Commissioner" or "Defendant") to deny his application for Supplemental Security Income and Disability Insurance Benefits. The Court referred this matter to the Honorable Andrew J. Peck, Magistrate Judge, on February 17, 2011. On June 23, 2011, Plaintiff moved pursuant to Rule 12(c) of the Federal Rules of Civil Procedure for judgment on the pleadings. On August 9, 2011, Defendant cross-moved for judgment on the pleadings. On October 3, 2011, Magistrate Judge Peck issued a Report and Recommendation (the "Report"), recommending that (1) Defendant's motion be denied, (2) Plaintiff's motion be granted, and (3) the case be remanded for further administrative proceedings consistent with the Report.

In the Report, Magistrate Peck advised the parties that failure to file timely objections to the Report would constitute a waiver of those objections. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b). No party has filed objections to the Report, and the time to do so has expired. *Cf. Frank v. Johnson*, 968 F.2d 298 (2d Cir. 1993).

When no objections to a report and recommendation are made, the Court may adopt the report if there is no clear error on the face of the record. *Adee Motor Cars, LLC v. Amato*, 388 F. Supp. 2d 250, 253 (S.D.N.Y. 2005); *La Torres v. Walker*, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000). Having reviewed Magistrate Judge Peck's thirty-four page Report, the Court finds that the reasoning and conclusions set forth therein are not facially erroneous. Accordingly, the Court adopts the Report in its entirety. For the foregoing reasons, IT IS HEREBY ORDERED that Defendant's motion for judgment on the pleadings is DENIED, Plaintiff's motion for judgment on the pleadings is GRANTED, and the case is remanded for further administrative proceedings. The clerk of the court is directed to terminate the motions located at Doc. Nos. 8 and 10 and to close this case.

SO ORDERED.

Dated: November 21, 2011
New York, New York


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE